Discipline, Suspension and Dismissal of Professional Staff

Mandatory Reporting Requirements

The following procedures apply to the reporting of allegations against or offenses committed by licensed personnel who are dismissed by the BOCES.

Mandatory reporting requirements - unlawful behavior involving a child

If an employee is dismissed as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, which is supported by a preponderance of evidence, the Executive/Special Education Director shall notify the Colorado Department of Education (CDE) as soon as possible but no later than 10 business days after the employee's dismissal. The Executive/Special Education Director shall provide any information requested by CDE concerning the circumstances of the dismissal. The BOCES also shall notify the employee that information concerning the dismissal is being forwarded to CDE unless such notice would conflict with the confidentiality requirements of the Child Protection Act.

If the BOCES learns that a current or past employee has been convicted of, pled *nolo contendere* to, or received a deferred sentence or deferred prosecution for a felony or a misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children, the Executive/Special Education Director shall notify CDE.

Mandatory reporting requirements - other offenses

In addition and in accordance with applicable State Board of Education rules, the Executive/Special Education Director shall immediately notify CDE when a dismissal action concerning a licensed employee is based upon the employee's conviction, guilty plea, plea of *nolo contendere*, or deferred sentence for any of the following offenses:

a. felony child abuse, as specified in C.R.S. 18-6-401;

b. felony unlawful sexual behavior, as defined in C.R.S. 16-22-102 (9);

c. a felony offense involving unlawful sexual behavior, as defined in C.R.S. 16-22-102 (9);

d. a crime of violence, as defined in C.R.S. 18-1.3-406;

e. indecent exposure, as described in C.R.S. 18-7-302;

f. contributing to the delinquency of a minor, as described in C.R.S. 18-6-701;

g. felony domestic violence, as defined in C.R.S. 18-6-800.3;

h. misdemeanor domestic violence, as described in C.R.S. 18-6-800.3 (1) and such conviction is a second or subsequent conviction for the same offense;

i. misdemeanor sexual assault, as described in C.R.S. 18-3-402;

j. misdemeanor unlawful sexual conduct, as described in C.R.S. 18-3-404;

k. misdemeanor sexual assault on a client by a psychotherapist, as described in C.R.S. 18-3-405.5;

l. misdemeanor child abuse, as described in C.R.S. 18-6-401;

m. misdemeanor involving the illegal sale of controlled substances;

n. physical assault;

o. battery;

p. a drug-related offense;

q. an offense committed outside of this state, the elements of which are substantially similar to any offense described in items a-m above; or

r. a misdemeanor committed outside of this state, the elements of which are substantially similar to sexual exploitation of children as described in C.R.S. 18-6-403 (3)(b.5).

The Executive/Special Education Director shall also immediately notify CDE when the BOCES learns:

a. the employee has forfeited any bail, bond or other security deposited to secure the employee's appearance and the employee is charged with having committed a felony or misdemeanor for any offense described in items a-m above; or

b. the employee has paid a fine or received a suspended sentence for any offense described in items a-m above.

The Executive/Special Education Director shall also notify CDE when:

a. The county department of social services or the local law enforcement agency reasonably believes that an incident of child abuse or neglect has occurred and the BOCES employee is the suspected perpetrator and was acting in an official capacity as an employee of the BOCES.

b. The BOCES reasonably believes that an employee is guilty of unethical behavior or professional incompetence.

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